

STATE OF HAWAII

REQUEST FOR EXEMPTION FROM CHAPTER 103F, HRS

ADMINISTRATION  
STATE PROCUREMENT OFFICE  
STATE OF HAWAII

To: Chief Procurement Officer

From: Department of Human Services/Social Services Division/ Support Services Office  
*Department/Division/Agency*

Pursuant to § 103F-101(a)(4), HRS, and Chapter 3-141, HAR, the Department requests a procurement exemption to purchase the following:

Title and description of health and human service(s):

This is an after the fact request for an exemption for a contract that began on July 1, 2004. We were under the mistaken perception that a request for exemption was not needed as the source of funds for this contract is a Federal Grant. Although the contract began on July 1, 2004, no payment has yet been made.

The title of the service is the Children's Justice Act (CJA) that provides grants to states to improve the investigation, prosecution and judicial handling of cases of child abuse and neglect (CAN), particularly child sexual abuse and exploitation, in a manner that limits additional trauma to child victim. This also includes the handling of child fatality cases in which CAN is suspected. Service activities include:

1. Training for CPS, Police, Deputy Attorney General, Prosecutors, Judges, Medical Examiners, Hospital/Health Professionals to improve the handling of child abuse and neglect (CAN) cases especially those involving child sexual abuse and exploitation cases, suspected CAN-related fatality cases and cases involving potential combination of jurisdictions such as interstate, federal-state, and state-tribe.
2. Establishment of an experimental, model or demonstration programs. The direction of the project should be to improve the prompt and successful resolution of civil and criminal court proceedings or enhance the effectiveness of judicial and administrative action in CAN cases. The emphasis should be on child sexual abuse and exploitation cases including performance enhancement of court-appointed attorneys and guardians ad litem for children. This should also ensure procedural fairness to the accused by establishing partnerships projects with court appointed attorneys and guardians ad litem for children.
3. Activities to reform state laws, ordinances, regulations, protocols and procedures to provide comprehensive protection for children from abuse, particularly sexual abuse and exploitation, while ensuring fairness to all affected persons.

Provider Name: Kauai Children's Justice Committee & Maui County Children's Justice Committee	Total Contract Funds: <del>172</del> \$86,000.00 for Kauai \$28,000.00 for Maui 172,000 - KAUAI MS 58,000 - MAUI	Term of Contract:
Provider Address:  3094 Elua St., Lihue, HI 96766 1773-A Wili Pa Loop, Wailuku, HI 96793	Contract Funds per Year (as applicable). \$86,000.00 for Kauai \$28,000.00 for Maui	From: 7/1/04 To: 06 MS 6/30/08

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Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:

The Federal Government provides CJA funds to the State of Hawaii through a grant and requires that we establish a statewide task force. The statewide task force created committees for each island to meet the unique needs of each geographic area. This arrangement is part of the statewide plan and is most efficient due to each task force knowing how to provide the services outlined by the statewide task force. This plan was presented to and has been approved by the Federal Government.

The Kauai and Maui committees have incorporated and the Kauai Children's Justice committee has agreed to be the fiduciary for Oahu and the Big Island. This agreement is the most efficient due to Kauai having appropriate staff and knowledge to do this.

Details of the process or procedure to be followed in selecting the service provider to ensure maximum fair and open competition as practicable:

The State of Hawaii, in order to receive federal Children's Justice Grant funds, has assured in its Statewide Plan that it would maintain a Children's Justice Task Force with required multidisciplinary and statewide representation. To meet the multidisciplinary and statewide requirements, the Task Force includes county-based committees. Therefore it is not practicable for competitive recruitment because the Statewide Plan created this sole task force and its committees.

A description of the state agency's internal controls and approval requirements for the exempted procurement:

The Children's Justice Committees on each island are required to submit semi annual quarterly activity reports and expenditure reports. The Purchase of Service Unit who is responsible for overseeing the contract reviews the activity reports. These activity reports are also provided to Gibby Fukutomi, Social Services Division Planner, who prepares an annual report to the Federal Government on the activities of each committee.

Expenditure reports are reviewed by the Purchase of Service Unit and the Accounting Department of the Fiscal Management Office.

In the future, all contracts will be reviewed prior to its execution and the POS staff will consult with the State Procurement Office and submit necessary requests for approval if required.

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A list of state agency personnel, by position title, who will be involved in the approval process and administration of the contract:

Suzanne Hull, POS Specialist  
Randy Fonseca, Acting POS Supervisor  
Jeanne Reinhart, Assistant Program Administrator  
Marquis Miyauchi, Support Services Office Administrator  
Lillian B. Koller, Director

Direct questions to (name & position):  
Suzanne Hull

Phone number:  
586-5748

e-mail address:  
shull@dhs.hawaii.gov

This exemption should be considered for list of exemptions attached to Chapter 3-141, HAR: Yes ☐ No ☒

I certify that the information provided above is to the best of my knowledge, true and correct.

  
\_\_\_\_\_  
Department Head Signature

MAR 14 2005

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed Name

\_\_\_\_\_  
Position Title

Chief Procurement Officer's Comments:

Approval is through 6/30/06.

See Memorandum dated 3/31/05, Subject: Request for Exemption PEH 05-23, Kauai and Maui Children's Justice Committees

Please ensure adherence to applicable administrative requirements.

☒ Approved

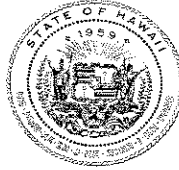
☐ Denied

  
\_\_\_\_\_  
Chief Procurement Officer

3/31/05  
\_\_\_\_\_  
Date

cc: Administrator  
State Procurement Office

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GOVERNOR



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**STATE OF HAWAII  
STATE PROCUREMENT OFFICE**

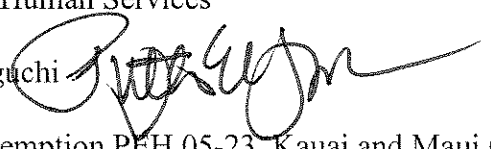
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March 31, 2005

SPO 05-322

**MEMORANDUM**

TO: Lillian B. Koller, Director  
Department of Human Services

FROM: Ruth E. Yamaguchi 

SUBJECT: Request for Exemption PEH 05-23, Kauai and Maui Children's Justice Committees

Request for exemption PEH 05-23 was submitted to the State Procurement Office after-the-fact due to some confusion of the requirements for federally funded contracts. This memorandum is to clarify procurement requirements to avoid future mistakes.

The request stated there was a perception that a request for exemption was not necessary because the contract was a federal grant. Federal funding does not exempt contracts from procurement as indicated in section 3-143-614, HAR, which states in part:

"...No exception from applications for federal funding. (a) Applying for federal funds that may be used when obtained from the federal funding source to provide health and human services shall not exempt a purchasing agency from chapter 103F, HRS, procurement requirements..."

Staff also indicated confusion regarding the conditions a contract is exempt from procurement pursuant to section 3-141-505(b), HAR, which states in part that contracts funded from federal sources shall be exempt when:

"...The source of the federal funds imposes conditions on the receipt of the federal funds that conflict with the procedures and requirements established by chapter 103F, HRS, and its implementing rules..."

It is our understanding that DHS submitted a plan to the federal funding source indicating that the funds would be distributed to the county committees to deliver services. While the state plan is approved by the federal source, there is no requirement that the state plan include provisions to give the funds to the committees. Based on information provided by DHS staff, the federal funding source does not specify any procedure that might be in conflict with chapter 103F, HRS, its administrative rules or procurement procedures.

March 31, 2005

Lillian B. Koller, Director, Department of Human Services

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We hope this explanation provides the necessary clarity to avoid similar mistakes in the future. The State Procurement Office staff is always available for consultation and technical assistance should there be any question regarding applicability of statutes, rules or procedures for Chapter 103F, HRS. Should there be any question on this or related issues, your staff may contact Mara Smith at 587-4704 or Corinne Higa at 587-4706.